

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM E. HEDGES,

Plaintiff,

v.

**Case No.: 2:16-cv-592
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on July 25, 2017. The Magistrate Judge recommended that Plaintiff's State of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 14). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 15). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises two primary objections to the *Report and Recommendation*: (1) that the ALJ failed to provide good reasons for discrediting the opinions of the treating source; and (2) that the ALJ erroneously determined that Plaintiff's mental health impairments were non-severe. (Doc. 15). These are the same two arguments made in his statement of errors specifically considered by the Magistrate Judge.

First, with respect to the credibility given to Plaintiff's treating psychologist, Dr. Baker, the Court does not find that the Administrative Law Judge, nor the Magistrate Judge erred in

giving Dr. Baker's opinion little weight because it is inconsistent with other substantial evidence, namely that Plaintiff was capable of performing many daily activities such as socializing with family, doing housework, watching television, feeding his dogs, taking care of his personal needs, mowing at time, picking up his son from school, grocery shopping, etc. (Doc. 8, AR at 16–17, 107, 336–43, 610, 937, 949). The Sixth Circuit has held that “[w]here the opinion of a treating physician is not supported by objective evidence or is inconsistent with the other medical evidence in the record, the Court generally will uphold an ALJ’s decision to discount that opinion.” *Price v. Comm’r of Soc. Sec.*, 342 F. App’x 172, 175–76 (6th Cir. 2009).

Plaintiff’s second objection is that the ALJ and the Magistrate Judge erred in failing to find that he suffers from severe mental health impairments. The Magistrate Judge fully considered each of Plaintiff’s specific challenges to the ALJ’s findings: that the ALJ relied on outdated opinions issued in August 2010; Plaintiff’s argument that his mental health impairments more than minimally limit his ability to work; that the ALJ erred in analyzing the state agency psychological opinions; and that the ALJ violated the Appeals Council order. The Court has again carefully reviewed these arguments and does not find any error by the ALJ or the Magistrate Judge.

The Court has carefully considered all of Plaintiff’s objections and agrees with the Magistrate Judge’s analysis and findings of the issues raised. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff’s objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff’s objections have been thoroughly considered and are hereby **OVERRULED**.

Accordingly, the *Report and Recommendation*, Document 14, is **ADOPTED** and **AFFIRMED**.

Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 14 and 15 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT